

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

MERCK & CO., Inc.

Plaintiff,

V.

RANBAXY INC. and RANBAXY  
LABORATORIES LIMITED,

Defendant.

C.A. No. 07-229 (GMS)

RANBAXY INC. and RANBAXY  
LABORATORIES LIMITED,

Counterclaim Plaintiff,

v.

MERCK & CO., Inc.

Counterclaim Defendant.

**RANBAXY'S OPPOSITION TO MERCK'S MOTION FOR EXTENSION OF  
TIME TO FILE ITS REPLY BRIEF IN SUPPORT OF ITS MOTION FOR  
LEAVE TO FILE ITS FIRST SUPPLEMENTAL COMPLAINT**

Defendants Ranbaxy Inc. and Ranbaxy Laboratories Limited (collectively “Ranbaxy”), respectfully submit this opposition to Merck’s Motion for Extension of Time (D.I. 53). While Ranbaxy understands the Merck’s need for an extension to accommodate schedules, an extension of one week is not warranted in this instance.

First, the resolution of Merck’s Motion for Leave to File Its First Supplemental Complaint (D.I. 48) (the “Motion”), could be case dispositive and its outcome is likely to inform Ranbaxy’s business decisions related to the launch of its proposed product.

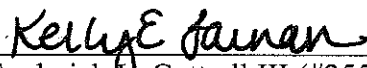
Accordingly, Ranbaxy would like briefing on the Motion to be completed as soon as possible so that the Motion is on the Court's docket and ready for consideration by the Court at the Court's convenience.

Second, Merck's Motion seeks to supplement its Complaint based on a Certificate of Correction issued by the PTO on November 6, 2007. Rather than file its Motion shortly after receiving the Certificate of Correction, Merck waited until the deadline for filing of motions to amend, knowing that the briefing schedule would likely overlap with the *Markman* hearing.

Given the importance to Ranbaxy of receiving a decision on the Motion and the fact that Merck self-selected the date of filing, Ranbaxy respectfully requests that Merck's Motion for Extension of Time be denied.

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Dated: February 6, 2008

UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on February 6, 2008, I electronically filed the foregoing document with the Clerk of Court using CM/ECF and caused the same to be served on the defendant at the addresses and in the manner indicated below:

**HAND DELIVERY and E-MAIL:**

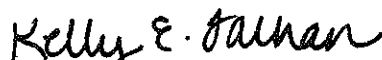
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I hereby certify that on February 6, 2008, the foregoing document was sent to the following non-registered participants in the manner indicated:

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